

Our Ref:

19 May 2017

Ms Noelene Duff  
Chief Executive Officer  
Whitehorse City Council  
Locked Bag 2  
Nunawading Delivery Centre Victoria 3133

Dear Noelene

**Re: Notice of Intention to Sell Land located at 2 Carrington Road Box Hill  
(certificate of title volume 10089 Folio 896, with area of 179m<sup>2</sup> (Council's Land))**

In accordance with Section 223 of the *Local Government Act 1989*, VicTrack hereby submits its objection to the proposed sale of Council's Land based on the following statements:

1. We refer to the public notice of intention to sell Council's Land as advertised in The Age dated 22 April 2017, a copy is attached in **Annexure A**.
2. VicTrack is the owner of the VicTrack Land as delineated in blue and shown in **Annexure B**, which includes a shopping centre known as 'Box Hill Central' which has been on leased by VicTrack.
3. A copy of the title search of Council's Land is attached in **Annexure C**, from which we note the following:
  - Council's Land was historically used as a road;
  - Council's Land was discontinued as a road and removed from Council's road register on 31 October 1990 but nevertheless VicTrack's tenants and subtenants have continued to access and use Council's Land as a carriageway; and
  - The whole of Council's Land is encumbered by a carriageway easement.
4. The loading dock at Box Hill Central shopping centre is located next to Council's Land. The current tenants and sub-tenants of the shopping centre actively use Council's Land to gain access to the shopping centre loading dock for purposes of loading and unloading. Please refer to picture as shown in **Annexure D**.
5. Due to the width of the loading dock and dimensions of the loading trucks, Council's Land is required to physically manoeuvre the trucks into the loading

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**VicTrack**

Level 8, 1010 La Trobe St Docklands VIC 3008  
GPO Box 1681 Melbourne VIC 3001  
T 1300 VICTRACK (1300 842 872)  
victrack.com.au

**VicTrack**

dock. It should also be noted that Carrington Road is a one-way street which prevents using Carrington Road as an alternative path of reversing into the loading dock. Please find attached diagram of the turning circle and path of the loading trucks at the loading dock as shown in **Annexure E**, which also includes Council's Land.

6. The Council through its external lawyer, Maddocks, made enquires on 21 December 2016 as to whether VicTrack had any requirements with the proposed sale of Council's Land. Please refer to email as attached in **Annexure F**.
7. VicTrack responded to Maddocks on 21 February 2017 stating that while in principle VicTrack has no objection to the proposed sale it would be subject to the continued access and use by VicTrack's tenants and subtenants. Please refer to email as attached in **Annexure G**.

It is evident from the above that the sale of Council's Land would render the loading dock unusable and greatly impact VicTrack's tenants and the community. The alternative we propose is that as a condition of the sale, the Council will require the purchaser do all things reasonably required to protect VicTrack's existing use as a carriageway easement.

Thank you.

Yours sincerely



Ranee Christopher  
**Manager, Commercial Projects, Property Group**

## **Annexure A – Public Notice of Proposed Sale of Council's Land**



## TENDERLINK

For these tenders and more delivered to your e-mail go to  
www.tenderlink.com

## Local Government Tenders

## CASEY

## OUTDOOR SCREEN MEDIA PRODUCER

Bunil Place  
Contract No. CT000347  
Close: 17 May 2017

Full details are available at:  
www.casey.vic.gov.au/tenders



## CONTRACT CT000338

Greater Bendigo City Council, acting as the sole tendering agent for Macdonald Ranges Shire Council and Mount Alexander Shire Council invites tenders for:

Provision of Loan Borrowing CT000338  
Tender closing at 11am AEST on Thursday May 18, 2017.  
Enquiries contact: Contract Coordinator, Paul Sheehy, ph: 03 5434 6402.

Copies of documentation for this tender can be obtained by contacting the nominated Contract Coordinator, which will incur a non-refundable fee of \$50.

Format and method for submission is provided in the Expression of Interest (EOI) Tender Documentation. The EOI and Tender documents may not be necessary to be accepted.

CRISTIAN NEMANN  
CHIEF EXECUTIVE OFFICER



## CONTRACT NO. T17029

Greville Street Urban Realm Improvement Stages 2, 3 & 4

Tenders are invited for the staged reconstruction of road, footpaths and associated landscaping, furniture and lighting works to Greville and Porter Streets, Prahran for an initial contract term of five months. Each stage of works will be awarded as separate portions within the tender.

Tender Documentation will only be available for inspection and downloading from the eProcurement website [www.tenderlink.com/stornborough](http://www.tenderlink.com/stornborough).  
Tenders close 12.00 noon Monday, 15 May 2017.



## CONTRACT NO. 2016-17-37

## Supply and Delivery of Bituminous Products

Full details can be found at the URL below:  
[www.tenderlink.com/glennelg/](http://www.tenderlink.com/glennelg/)

Closing Date: Thursday 11 May 2017 at 3.00pm

LATE TENDERS WILL NOT BE CONSIDERED



## INVITATION TO TENDER

Contract No. - 2263

## Re-Tender Knox Leisure Works (KLW) 4 X Change Room &amp; Amenities Upgrade

This contract calls for the refurbishment of existing Knox Leisure Works Aquatic Centre amenities, including but not limited to: Renovation works to the Gymnasium level, change room amenities and renovation works to the pool side change room amenities with minimised disruption to the continued operation of the centre, situated at 35 Torrance Road, Boronia. Works comprise of demolition of existing amenities, installation of new partitions, sanitary fixtures and fittings, wall, ceiling, floor, covering, painting and electrical. Mechanical and Hydraulic works as outlined in the tender documents.

The KLW will remain operational during the course of the project. It is proposed to allow for amenities to the poolside area completed at a separate stage to the works for gymnasium level amenities and repair work to cracked walls and subways. This is to allow for the continued access to a change room amenity by users of the facility.

Tender forms and specifications may be obtained by downloading from Council's website [www.knox.vic.gov.au/tenders](http://www.knox.vic.gov.au/tenders). Documents will be available for download from Saturday 15 April 2017.

Tenders must be submitted on forms supplied and be lodged in the tender box at the Civic Centre, 511 Burwood Highway, and Maribyrnong South prior to the closing date in sealed envelope endorsed with the description of tender and contract number.

CONTRACT NO. 2265  
PROVISION OF INJURY MANAGEMENT PROGRAM 2017 - 2020

Knox City Council is seeking to engage a suitably qualified and experienced provider to assist in the implementation of the Injury Management Program to support Council's Injury Management Program. The provider will be responsible for the development of injury management risk assessments, staff training and identification of opportunities for program improvement. The provider will also be responsible for the provision of the program to the community and the provision of the program to the community.

The contract will be for a period of three (3) years with the possibility of a one (1) year extension.

Tender forms and specifications will be available from Saturday 29th April 2017 and may be obtained by downloading from Council's website [www.knox.vic.gov.au/tenders](http://www.knox.vic.gov.au/tenders).

Any queries relating to this tender can be directed to Yvonne Wells via phone on 5436 8533 or email [yvonne.wells@knox.vic.gov.au](mailto:yvonne.wells@knox.vic.gov.au). Tenders must be lodged by email to [knc@knox.vic.gov.au](mailto:knc@knox.vic.gov.au) by 4.00pm on Monday 30th May 2017.

Facsimile or late submissions will not be considered. Council is not bound to accept the lowest or any tender.

CHIEF EXECUTIVE OFFICER  
NATASHA BOIS BA



## INVITATION TO TENDER

CONTRACT NO. C1870/17

## CONSTRUCTION OF THE MODERN RECREATION CENTRE

The supply, delivery and installation of all materials, equipment and services required for the construction of a new sports pavilion, car park and landscape works.

Closes 17 May 2017 at 12 noon

Full details are available at [www.wyndham.vic.gov.au](http://www.wyndham.vic.gov.au)

Full details are available at [www.wyndham.vic.gov.au](http://www.wyndham.vic.gov.au)

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## TENDERS

## CT201733 - Health Protection Software

CT201733 - Installation of a Portable Classroom Building at Merriland Community Centre

CT201773 - Height Safety Apparatus

Documentation detailing the scope and service for these tenders is available on tenderlink at [www.tenderlink.com](http://www.tenderlink.com)

Closes 17 May 2017 at 12 noon

Full details are available at [www.wyndham.vic.gov.au](http://www.wyndham.vic.gov.au)

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## Local Government Tenders



## LCC-406

Supply and Delivery of Quarry Products

Tenders are invited from suitably qualified contractors for the above and close at 2pm, 11 May 2017. Documentation is available at [www.latrobe.vic.gov.au/tenders](http://www.latrobe.vic.gov.au/tenders).  
Close: 11 May 2017



## TENDERS

Contract No. 30 17 2706

Construction of Playground and Landscaping Work in AHERA District Active Reserve, Rumburgh Park

Hume City Council invites suitably qualified and experienced contractors to submit tenders for the construction of playground and landscaping work in AHERA District Active Reserve, Rumburgh Park.

Documents can be obtained by visiting website [www.tenderlink.com.au/hume](http://www.tenderlink.com.au/hume)

Closing date for submissions: 2pm Tuesday, 16th May 2017

Contract Number: 2237

Tenders are invited for the construction of Emergency Street Mail Streetcarts.

Construction includes installation of new pavement, timber decking, street furniture, private lighting scheme and other associated works. These works are programmed for construction May to July 2017.

To be eligible for this contract, tenders must:

• be registered and pre-qualified with Latrobe to register and pre-qualify go to [www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au)

• have a valid certification of their quality and environmental management systems.

Closing Date & Time: 4 May 2017 at 3pm

Documents can be downloaded from [www.morrell.vic.gov.au](http://www.morrell.vic.gov.au)

under Access to Information with us at [www.morrell.vic.gov.au](http://www.morrell.vic.gov.au)

Documents can be downloaded from [www.morrell.vic.gov.au](http://www.morrell.vic.gov.au)

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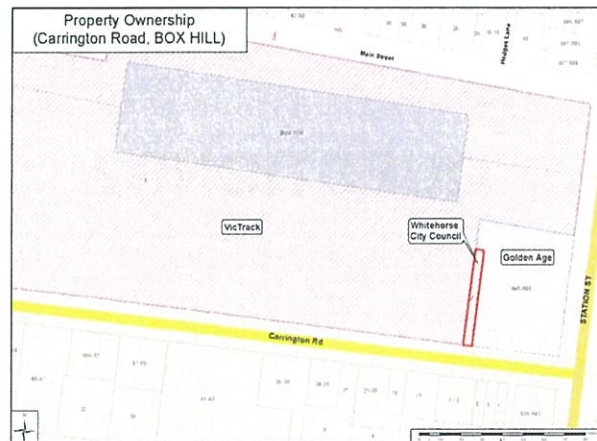
Documents can be downloaded from [www.morrell.vic.gov.au](http://www.morrell.vic.gov.au)

Documents can be downloaded





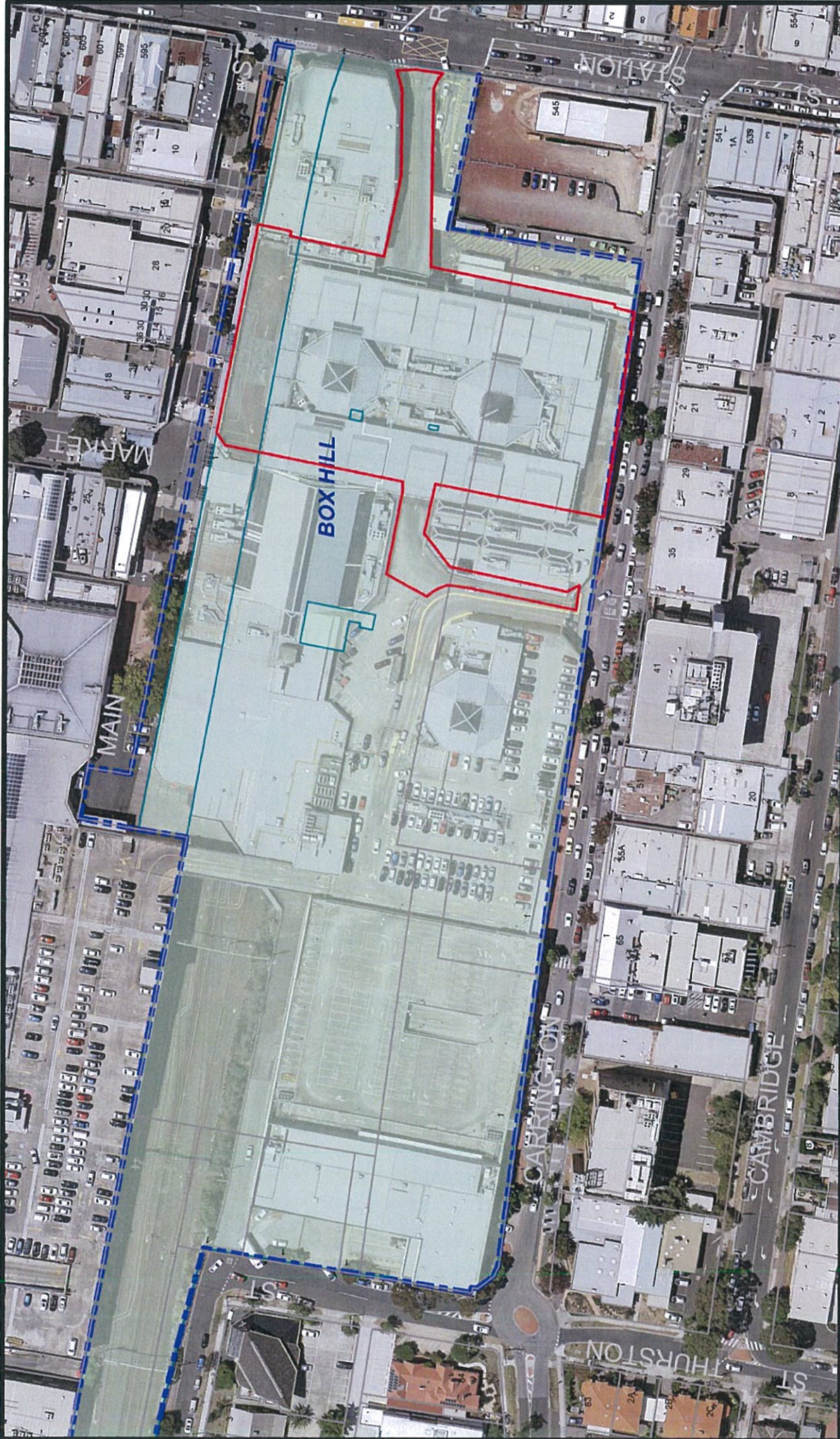
## 2 Carrington Road, Box Hill



## **Annexure B – VicTrack’s Land**

[As Attached]





<b>COPYRIGHT</b>  This plan is the property of Victorian Rail Track and shall not be reproduced or used in any form whatsoever without the prior written consent of Victorian Rail Track.  Plan Prepared By: Business Services Level 6, 1010 La Trobe Street, Melbourne 3006	<b>NOTE</b>  This plan has been compiled using information from a number of sources and some plan elements may not be shown accurately. Independent verification is recommended before reliance is placed on using the plan information.  Victorian Rail Track will not accept any liability for any use to which the plan may be put and gives no guarantee as to its accuracy.	<b>LEGEND</b>  - - - RAIL RESERVE - - - METROPOLITAN TRAINS MELB - - - BUS INTERCHANGE	 0 10 20 30 40 Meters	<b>VICTORIAN RAIL TRACK</b>
				<b>BOX HILL</b>
<b>ORIGINAL SHEET SIZE A4</b>				
<b>SHEET 1 OF 1</b>				



**Annexure C – Copy of Title Search of Council's Land**

[As Attached]



Copyright State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 (Vic) or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10089 FOLIO 896

Security no : 124065874685K

Produced 08/05/2017 12:46 pm

LAND DESCRIPTION

Lot 1 on Title Plan 840750F (formerly known as part of Portion 29A Parish of Nunawading).

PARENT TITLE Volume 07899 Folio 150

Created by instrument R839687G 26/03/1992

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

BOX HILL CITY COUNCIL of 379-397 WHITEHORSE ROAD NUNAWADING VIC 3131  
R839687G 26/03/1992

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP840750F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

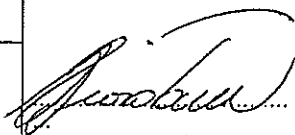
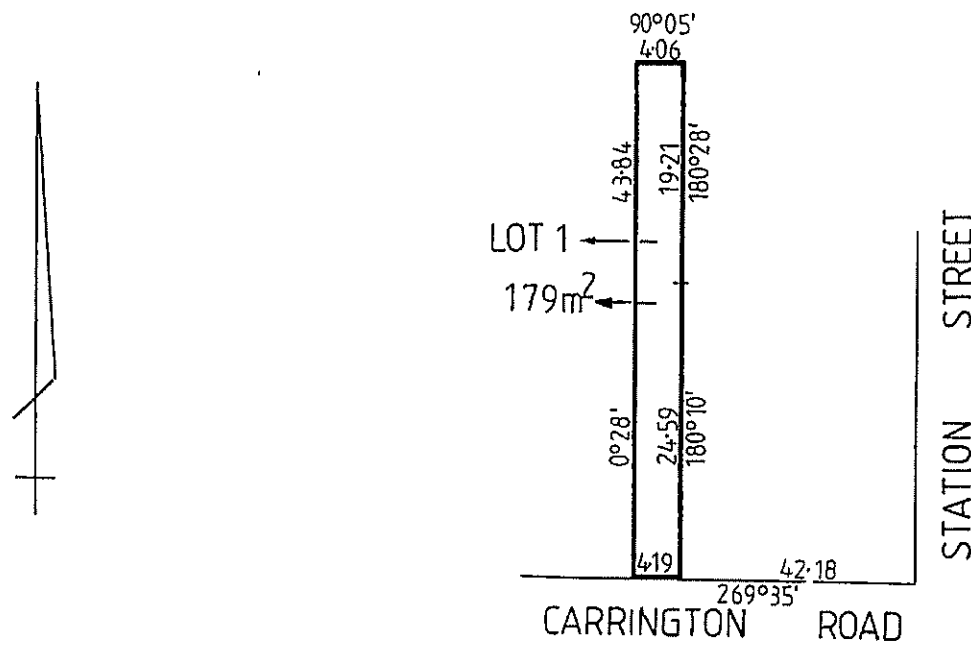
NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 2 CARRINGTON ROAD BOX HILL VIC 3128

DOCUMENT END

TITLE PLAN		EDITION 1		TP 840750F	
<b>Location of Land</b> Parish : NUNAWADING Township : -- Crown Allotment : -- Crown Portion : 29 A ( PART ) Section : -- Last Plan Reference : -- Title Reference : VOL .10089 FOL. 896 Depth Limitation : NIL				<b>Notations</b> NOTE 1 : LOT 1 = PART OF CROWN PORTION 29 A	
<b>Easement Information</b> E – Encumbering Easement    R – Encumbering Easement (ROAD)    A – Appurtenant Easement					THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  Checked by :   Assistant Registrar of Titles  Date 4 / 1 / 04
Easement Reference	Purpose / Authority	Width ( Metres )	Origin	Land benefited / In favour of	
LOT 1	ANY EASEMENTS	SEE DIAGRAM	VOL. 10089 FOL. 896	UNSPECIFIED	
					
LENGTHS ARE IN METRES	SCALE	SHEET SIZE A3			



**Annexure D – Photograph of Loading Dock at Box Hill Central (including Council's Land)**

[As Attached]

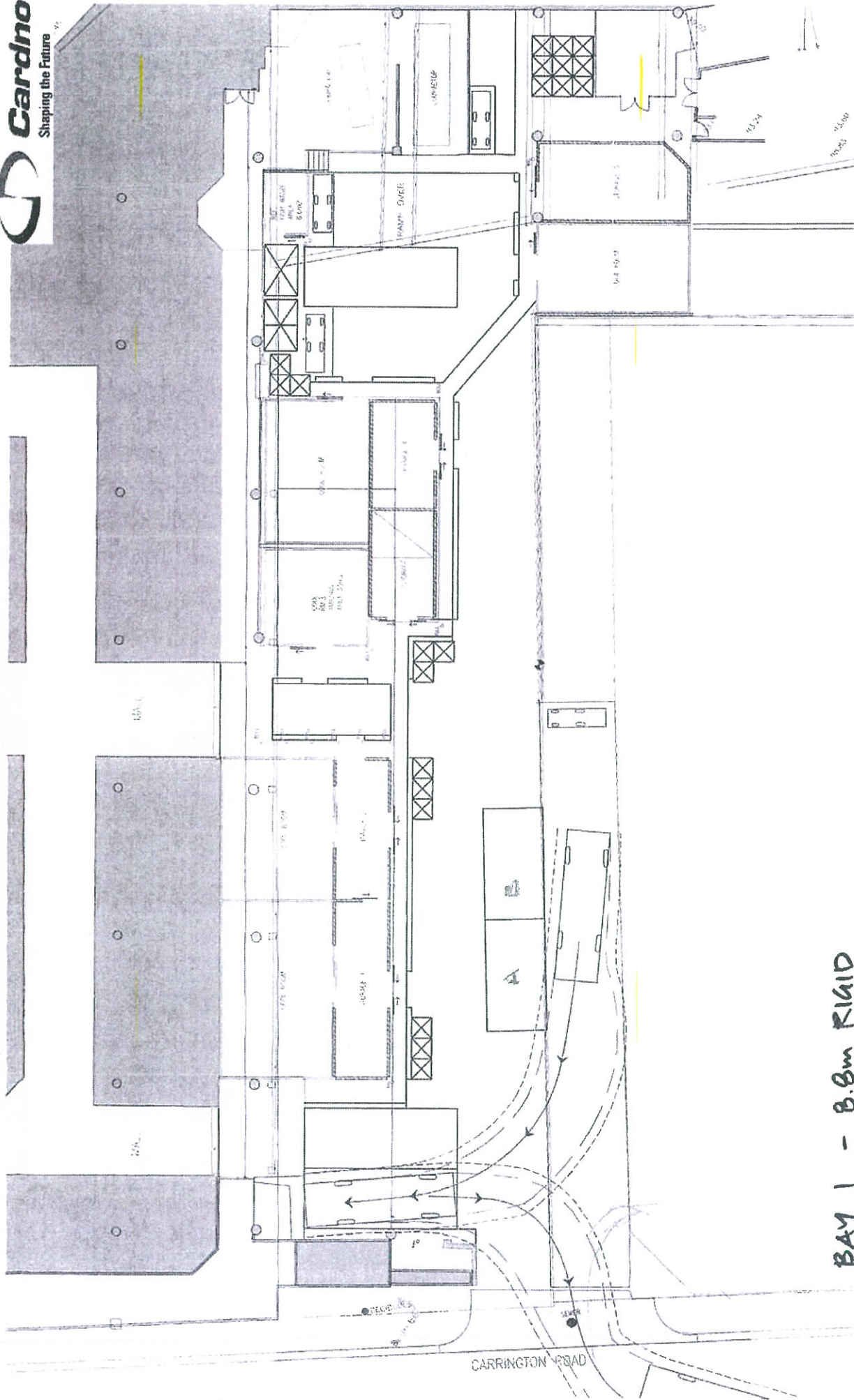






## **Annexure E – Loading Dock Turning Circles**

[As Attached]



**BAY 1 - B.8m RIGID**

**Form 4 - Attachment 2**

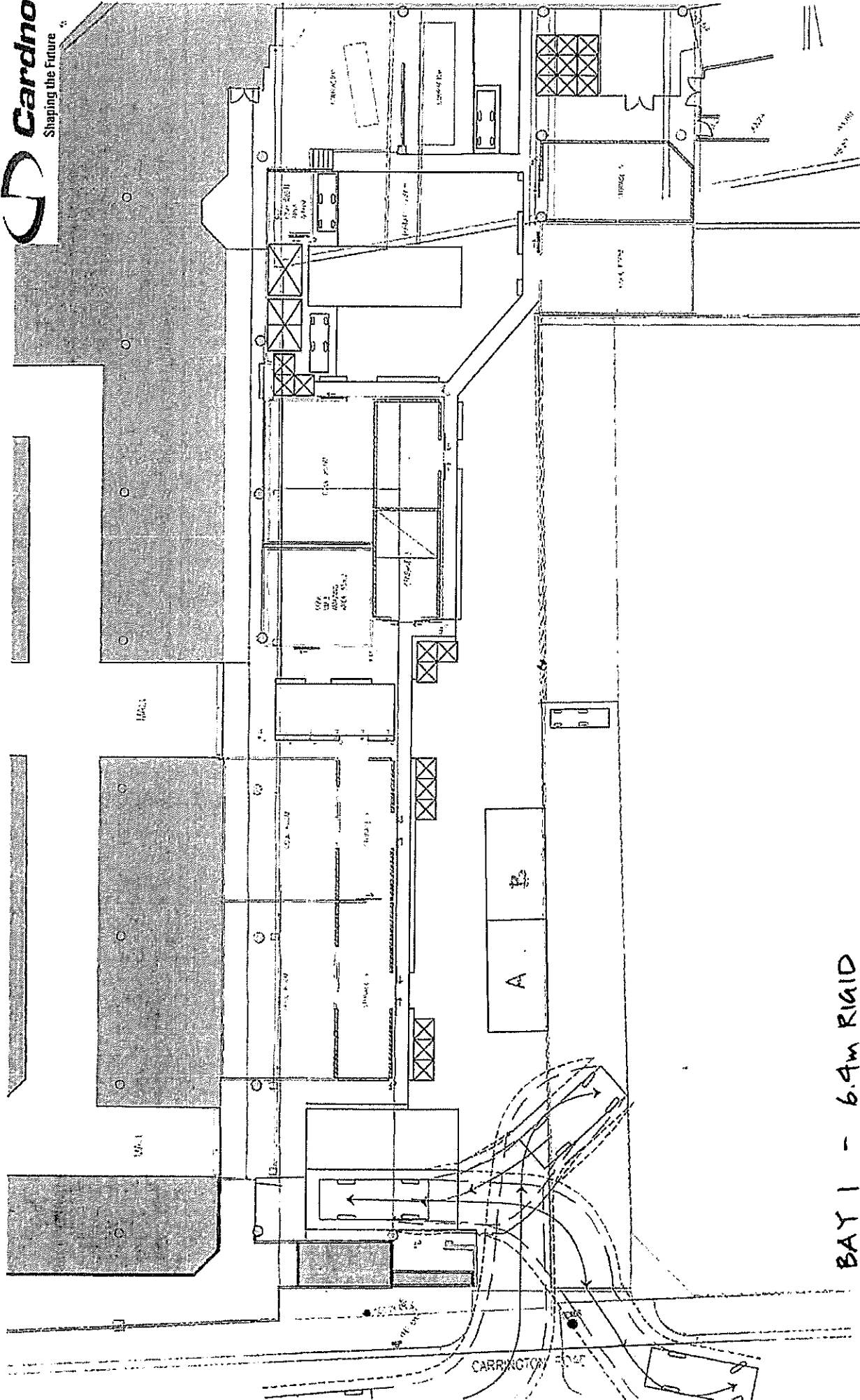
**A-04E**

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PEEDLETHORP ARCHITECTS

LOADING DOCK EASTING COFFERED DRAWING





BAY 1 - 6.4m RIGID

NO.	REVISION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	11/11/2011		
2	ISSUED FOR PERMIT	11/11/2011		
3	ISSUED FOR PERMIT	11/11/2011		
4	ISSUED FOR PERMIT	11/11/2011		
5	ISSUED FOR PERMIT	11/11/2011		
6	ISSUED FOR PERMIT	11/11/2011		
7	ISSUED FOR PERMIT	11/11/2011		
8	ISSUED FOR PERMIT	11/11/2011		
9	ISSUED FOR PERMIT	11/11/2011		
10	ISSUED FOR PERMIT	11/11/2011		

PEDDLE THORP ARCHITECTS | PEDDLE THORP APPROVALS

11/11/2011

A-04E

11/11/2011

11/11/2011

**Annexure F – Email by Maddocks (Council’s external lawyer) to VicTrack  
dated 21 December 2016**

[As Attached]



## Lim, Kirsten

---

**From:** Lim, Kirsten  
**Sent:** Tuesday, 21 February 2017 3:08 PM  
**To:** 'Marine.Nincevic@maddocks.com.au'  
**Cc:** Rhimes, Nathan  
**Subject:** RE: 2 Carrington Street, Box Hill

Hi Marine,

Reference to your recent voice message to Nathan which I did return a call to you but was informed that you were at a meeting.

On this matter, it appears that the developer (Golden Age) and Vicinity Centre (VicTrack's tenant) having been approaching different people at VicTrack on the same subject matter. Nonetheless we would like to update that we have obtained approval from DEDTJR on VicTrack being granted the benefit of an easement in favour of VicTrack so as to enable the land owner and its current and future tenant the continued use and operation of the dock for loading and unloading purposes and general access to the shopping centre. Unfortunately, in addition to obtaining approval from DEDTJR, VicTrack also needs to obtain Minister's approval regarding the benefit of the easement, which I have been told by our property people that it may take up to 6 months (or longer).

As to the Council's proposed sale of the land to the developer (Golden Age), we have in principle no objections subject to being granted easement as stated above.

I hope the above answers your query. If not, please contact me directly and I will try to assist.

Regards

Kirsten Lim  
Senior Legal Counsel  
Business Services Group

**VicTrack**

Level 8, 1010 La Trobe St Docklands VIC 3008  
T +61 3 9619 8634  
kirsten.lim@victrack.com.au  
victrack.com.au

**From:** Rhimes, Nathan  
**Sent:** Wednesday, 21 December 2016 11:28 AM  
**To:** 'Marine Nincevic' <Marine.Nincevic@maddocks.com.au>  
**Cc:** Tony Peak (Tony.Peak@whitehorse.vic.gov.au) <Tony.Peak@whitehorse.vic.gov.au>; Lim, Kirsten <kirsten.lim@victrack.com.au>  
**Subject:** RE: 2 Carrington Street, Box Hill

Hi Marine

Thanks for your email. We have referred your query to the business and will let you know their response.

When has the Council scheduled formal consideration of the matter?

Regards

Nathan Rhimes  
Acting General Counsel & Company Secretary  
T 9619 8815  
M 0426 843 682

Jenni Congdon  
Legal & Governance Coordinator  
M 0466 314 936  
jenni.congdon@victrack.com.au

**From:** Marine Nincevic [<mailto:Marine.Nincevic@maddocks.com.au>]  
**Sent:** Wednesday, 21 December 2016 11:22 AM  
**To:** Rhimes, Nathan <[nathan.rhimes@victrack.com.au](mailto:nathan.rhimes@victrack.com.au)>  
**Cc:** Tony Peak ([Tony.Peak@whitehorse.vic.gov.au](mailto:Tony.Peak@whitehorse.vic.gov.au)) <[Tony.Peak@whitehorse.vic.gov.au](mailto:Tony.Peak@whitehorse.vic.gov.au)>  
**Subject:** 2 Carrington Street, Box Hill

Nathan,

Further to our telephone conversation today, I confirm that we act for Whitehorse City Council in relation to the proposed sale of the above land.

The developer of the land at 545 Station Street, Box Hill has approached Council with a view to purchasing Council's land. See attached title to Council's land and a plan of the land showing the adjoining development site and VicTrack's land.

Please advise whether VicTrack has any objection to the proposed sale of the land to the developer of 545 Station Street and whether VicTrack has any requirements in respect of any proposed sale of the land. Council is seeking VicTrack's response prior to formal consideration of the matter by Council.

Regards,

**Marine Nincevic | Partner**  
Property  
**Maddocks**  
Direct 61 3 9258 3583 | Facsimile 61 3 9258 3666 | Mobile 0419 148 795  
Email [marine.nincevic@maddocks.com.au](mailto:marine.nincevic@maddocks.com.au)  
Collins Square | Tower Two  
Level 25, 727 Collins St | Melbourne Victoria 3008  
[www.maddocks.com.au](http://www.maddocks.com.au)



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**Annexure G – Email by VicTrack to Maddocks (Council’s external lawyer)  
dated 21 February 2017**

[As Attached]

## Lim, Kirsten

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**From:** Rhimes, Nathan  
**Sent:** Wednesday, 21 December 2016 11:26 AM  
**To:** Lim, Kirsten  
**Subject:** FW: 2 Carrington Street, Box Hill  
**Attachments:** CT10089-896.pdf; 2 Carrington Rd, Box Hill.pdf

Hi Kirsten

As discussed.

Regards

**Nathan Rhimes**

Acting General Counsel & Company Secretary  
T 9619 8815  
M 0426 843 682

**Jenni Congdon**

Legal & Governance Coordinator  
M 0466 314 936  
jenni.congdon@victrack.com.au

---

**From:** Marine Nincevic [mailto:Marine.Nincevic@maddocks.com.au]  
**Sent:** Wednesday, 21 December 2016 11:22 AM  
**To:** Rhimes, Nathan <nathan.rhimes@victrack.com.au>  
**Cc:** Tony Peak (Tony.Peak@whitehorse.vic.gov.au) <Tony.Peak@whitehorse.vic.gov.au>  
**Subject:** 2 Carrington Street, Box Hill

Nathan,

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Please advise whether VicTrack has any objection to the proposed sale of the land to the developer of 545 Station Street and whether VicTrack has any requirements in respect of any proposed sale of the land. Council is seeking VicTrack's response prior to formal consideration of the matter by Council.

Regards,

**Marine Nincevic | Partner**

Property

**Maddocks**

Direct 61 3 9258 3583 | Facsimile 61 3 9258 3666 | Mobile 0419 148 795

Email [marine.nincevic@maddocks.com.au](mailto:marine.nincevic@maddocks.com.au)

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